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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,684	04/26/1999	NINA T. BHATTI	10982229-1	3580

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EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/18/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/299,684

Applicant(s)
Bhatti et al.

Examiner
Stephan Willett

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2141



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 21, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mogul et al. with Patent Number 6,243,761.

2. Regarding claim(s) 1, 9, Mogul teaches a computer network that varies the quality of data transmitted. Mogul teaches storing or creating data files that are less resource intensive, col. 2, lines 4-8. Mogul teaches modifying a resource request, col. 5, lines 47-57 to obtain an adapted content as “by automatically varying the layout of” content “in response to recent information about network conditions”, col. 9, lines 57-58, when the server is over loaded as “the effective bandwidth can also depend on server loads”, col. 9, lines 52-53, “download time”, col. 9, line 63 and “monitoring includes measuring the server load of the server”, col. 10, lines 53-54. Mogul teaches monitoring the response time of the server, col. 10, lines 49-50. Mogul teaches modifying an access request address as “LOWSRC extension” and “load the image called ‘highres.gif’”, col. 2, lines 4-18. Therefore, by the above rational, the above claim(s) are rejected.
3. Regarding claims 2, 6, 10, Mogul teaches transmitting full content when not overloaded, col. 5, lines 58-61.

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4. Regarding claims 3, 11, 15, Mogul teaches monitoring network loads, col. 6, lines 30-49.
5. Regarding claims 4, 14, Mogul teaches adapting the content based on the load, col. 7, lines 34-37.
6. Regarding claims 5, Mogul teaches a predetermined desired load value, col. 7, lines 48-52.
7. Regarding claims 7-8, 12, 13, Mogul teaches modifying a URL based on an index or library, col. 2, lines 10-14 and col. 9, lines 37-44.

Response to Amendment

8. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.
9. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.
10. Applicant suggests "the Mogul reference does not teach or suggest an adaptive load control system", Paper No. 14, Page 9, lines 4-5. However, Mogul teaches modifying a resource request, col. 5, lines 47-57 to obtain an adapted content as "by automatically varying the layout of" content "in response to recent information about network conditions", col. 9, lines 57-58, when the server is over loaded as "the effective bandwidth can also depend on server loads", col. 9, lines 52-53, "download time", col. 9, line 63 and "monitoring includes measuring the server load of the server", col. 10, lines 53-54. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

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11. Applicant suggests “Mogul fails to teach or suggest the modification of an access request address”, Paper No. 14, Page 9, lines 13-14. However, Mogul teaches a “LOWSRC extension” and “load the image called ‘highres.gif’”, col. 2, lines 4-18 that is called by an address extension. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the Danneels reference with Patent Number 6,038,598 at col. 3, lines 12-15 is suggested. A close review of the references is suggested. The other references cited teach numerous other ways to send reduced content, thus a close review of them is suggested.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the


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organization where this application or proceeding is assigned is (703) 872-9306.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

November 12, 2003



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER